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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,338	07/02/2003	Keith Gilstrap	KG0007	5120
36489	7590	07/14/2005		
LEYENDECKER LEMIRE & DALEY, LLC C/O PORTFOLIO IP P.O BOX 52057 MINNEAPOLIS, MN 55402			EXAMINER	ELKINS, GARY E
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,338	GILSTRAP ET AL	
	Examiner	Art Unit	
	Gary E. Elkins	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 April 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12, 14, 15 and 28-40 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 28-40 is/are allowed.
 6) Claim(s) 1-12, 14 and 15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 7, 10, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beiser et al in view of Bristol. Beiser et al discloses a substantially round bag with two connectors 40, 40 attached proximate one of the bag. Beiser et al does not disclose a third connector attached to the enclosure forming a hypothetical triangle with the other two connectors. Bristol teaches that it is known to secure a bicycle attached bag at both the upper and lower portions of the bag to firmly secure the bag to the bicycle. It would have been obvious to provide a third connector securing the lower portion of the bag to the handlebar in Beiser et al as taught by Bristol to prevent the bag from moving during transport. It is noted that the bag of Beiser et al is considered "sized to substantially contain a bicycle wheel" insofar as bicycle wheels come in many small sizes. Also, with respect to claim 10, the bag is considered capable of conforming to a bicycle wheel of like size to the round portions of the bag.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Jackson et al. Modified Beiser et al does not evidence loops and rings attaching the shoulder strap to the bag. Jackson et al teaches that it is known to attach shoulder straps using loops and rings. It would have been obvious to attach the

shoulder strap in Beiser et al with loops and rings as taught by Jackson et al to allow removal of the shoulder strap from the bag when not needed.

4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 7 above, and further in view of Glasser. Modified Beiser et al does not evidence formation of the bag from elastic or spandex material. Glasser teaches that it is known to make bags from elastic or spandex. It would have been obvious to make the bag in Beiser et al from elastic or spandex material as taught by Glasser for the reasons specifically recited in Glasser.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim1 above, and further in view of Grenier. Modified Beiser et al does not disclose formation of the bag from a rigid or semi-rigid plastic shell. Grenier teaches that it is known to make a bag attached to a bicycle from a rigid plastic material. It would have been obvious to make the bag in Beiser et al from rigid plastic as taught by Grenier to obtain the strength and protective advantages of a rigid bag over a flexible bag. Both rigid and flexible bags are well known in this art.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 6 above, and further in view of Brynjulfson. Modified Beiser et al does not disclose at least one of the faces of the bag being reinforced by rigid or semi-rigid sheeting. Brynjulfson teaches that it is known to reinforce a flexible round bag using rigid plastic sheeting formed by a frame. It would have been obvious to reinforce the bag in Beiser et al as taught by Brynjulfson to protect the contents from damage and to allow the bag to maintain its outward shape during use.

Allowable Subject Matter

7. Claims 28-40 are allowed.
8. The withdrawal of the indication of allowable subject matter made in the first office action in light of the newly applied prior art is regretted.

Conclusion

Applicant's arguments with respect to claims 1-12, 14 and 15 have been considered but are moot in view of the new ground(s) of rejection.

The newly cited prior art is illustrative of the general state of the art.

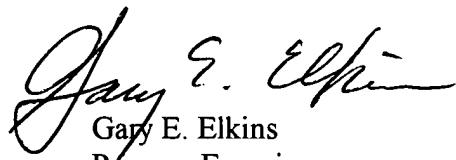
In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. Also, copies of an office action or other file information may be obtained from the Private PAIR system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (571)272-4537. The Examiner can normally be reached Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Nathan Newhouse can be reached at (571)272-4544.



Gary E. Elkins
Primary Examiner
Art Unit 3727

gee
09 July 2005